United States District Court
Southern District of Texas
FILED
FEB 16 2017
David J. Bradley, Clerk

United States District Court

SOUTHERN DISTRICT OF **TEXAS**
McALLEN DIVISION

UNITED STATES OF AMERICA
V.

CRIMINAL COMPLAINT

Lino Alberto Clarke *Principal*
YOB: 1981 **United States**

Case Number:
M-17- 0314 -M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about **February 15, 2017** in **Starr** County, in the Southern District of Texas defendants(s) did,
(*Track Statutory Language of Offense*)

knowing or in reckless disregard of the fact that Kevin Alexander Lara-Santamaria, a citizen and national of El Salvador, along with three (3) other undocumented aliens, for a total of four (4), who had entered the United States in violation of law, did knowingly transport, or move or attempts to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Fronton, Texas, to the point of arrest near Fronton, Texas.

in violation of Title **8** United States Code, Section(s) **1324(a)(1)(A)(ii)** **FELONY**
I further state that I am a(n) **U.S. Senior Border Patrol Agent** and that this complaint is based on the following facts:

On February 15, 2017, camera operators advised Border Patrol Agents near Fronton, Texas that several subjects were spotted in the brush approximately 1.6 miles north from the Rio Grande River. The camera operators indicated that the subjects were heading towards an area known as the Cisneros Compound, which is approximately 2 miles north from the river. The camera operator advised the agents that four subjects walked to the back of the compound and concealed themselves in the brush.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint: [X] Yes [ ] No

Signature of Complainant

Julio C. Peña Senior Patrol Agent
Printed Name of Complainant

Sworn to before me and subscribed in my presence,

February 16, 2017 3:18 pm at McAllen, Texas
Date City and State

Peter E. Ormsby, U. S. Magistrate Judge
Name and Title of Judicial Officer

Signature of Judicial Officer

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS

ATTACHMENT TO CRIMINAL COMPLAINT:

M-17-0314 -M

RE: Lino Alberto Clarke

CONTINUATION:
Shortly thereafter, camera operators observed a pickup truck enter the property and drive towards the back. At this time, the camera operator advised the agents that the pickup truck stopped next to where the subjects were hiding and the four subjects boarded the pickup truck.

The camera operators then advised agents that the pickup truck was headed towards the main entrance of the Cisneros compound. Agents nearby responded and a vehicle stop was conducted on the pickup truck as it was exiting the compound.

As agents approached the vehicle, they observed the driver and four passengers. The driver was identified as Lino Alberto Clarke, a United States Citizen. The four passengers were questioned as to their immigration status to which they all admitted to being illegally in the United States.

All subjects were placed under arrest and taken to the Rio Grande City Border Patrol station to be processed accordingly.

At the Border Patrol Station, record checks were conducted on Lino Alberto Clarke, which revealed a 1 on 5 administrative alien smuggling case that occurred on January 7, 2017.

PRINCIPAL STATEMENT:
Lino Alberto Clarke was read his Miranda Rights. He understood his rights and agreed to provide a sworn statement without the presence of an attorney

Clarke stated he was aware that the people he was transporting were undocumented aliens. He indicated that he was hired by an unknown smuggler to pick up four aliens and was going to be paid $400 USD. Clarke stated that he agreed to transport the aliens because he needed the money to pay child support. He stated that the smuggler who hired him gave him instructions to go inside the Cisneros compound and that the aliens would come to him. Clarke stated that once inside, the four aliens boarded the pickup truck and he told them "let's go".

MATERIAL WITNESS STATEMENT:
Kevin Alexander Lara-Santamaria was read his Miranda Rights. He understood his rights and agreed to provide a statement without the presence of an attorney.

Lara, a citizen of El Salvador, stated his grandfather made the smuggling arrangements. He was smuggled into the United States on February 14, 2017 along with five other people and was instructed by a brush guide to continue walking through the brush until reaching a road. Lara stated the brush guide told them to cross the road and hide behind the compound and wait for the load vehicle. Lara indicated, that short time later, a vehicle stopped near them and a male driver signaled them to enter the vehicle. Lara identified Clarke through a photo lineup as the driver of the vehicle.